APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,864	08/28/2000	Joseph J. Knudsen	USW 1730 PUS	7398

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EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2154	11

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/649,864		KNUDSEN ET AL.	
	Examiner		**Art Unit**	
	Chad Zhong		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 October 2001_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-18_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-18 are presented for examination.

2.   It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3.   The disclosure is objected to because of the following informalities:

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

"and example" (pg 1, line 15, i.e. an example?);

"transmitted an integrator" (pg 5, line 17, i.e. transmitted to an integrator?).

4.   The drawings are objected to because, there is no where in the drawing that items "42", "44", and "46" exists on any of the figure entry (pg 9).

5.   The use of the trademark Microsoft, Apache Group among others have been noted in this application (pg 7). It should be capitalized wherever it appears and be accompanied by the generic terminology. Appropriate correction is required.

Claim Rejections - 35 USC § 112, second paragraph

6.   Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

       b.   The claim language in the following claims is murky or not clearly

understood:

          i.   As per claim 1, line 10, it is not clearly understood where the corresponding

subscriber information is retrieved (i.e. from the integrator?).

          ii. As per claim 11, it is uncertain what is meant by "DSLAM".

          iii. As per claim 12, line 14, it is not clearly understood which device convert said

corresponding subscriber information to a central office request (i.e. the status server or the

integrator?); line 17, it is not clearly understood which device querying modem status

of a customer and creating a status signal (i.e. the central office?)

          iv. As per claim 15, line 2, it is not clearly understood whether "a central office request"

refers to "a central office request" in claim 12, line 15 (i.e. if they are the same, the word such

as "said" or "the" must be used);

          v. As per claim 16, line 2, it is not clearly understood whether "a readable format" refers to

"a readable format" in claim 12, line 21 (i.e. if they are the same, the word such as "said" or

"the" must be used); line 4, it is not clearly understood what is meant by "a status" (i.e.

modem status?).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

8.   Claims 1-5, 7, 9, 10 are rejected under 35 U.S.C. as being unpatentable over Babula et al.

(hereinafter Babula), US 2002/0004798, in view of Thompson et al. (hereinafter Thompson), US

6,529,743.

9.   As per claim 1, Babula teaches the invention substantially as claimed wherein a system for device

status for a telecommunications service provider in a broadband network serviced by a central office, the

system comprising:

an internet interface for receiving a device status request from the telecommunications service

provider via a telecommunications network (pg 3, [0031], lines 13-15, [0032], lines 20-28);

an integrator capable of retrieving subscriber information (pg 4, [0038], lines 8-27; pg 5, [0051], lines

6-25);

a server connected to said internet interface for receiving said device status request and transmitting

said device status request to said integrator whereby said integrator interprets said device status request

and retrieves corresponding subscriber information and transmits said corresponding subscriber

information to said server, said server thereby converting said corresponding subscriber information to a

central office request and sending said central office request to said central office, said central office

responding to said request and transmitting a status signal to said server (pg 5, [0046], lines 5-13; pg 7,

[0056], lines 15-41; pg 14, claims 1-5).

10.   Babula does not teach said server transmitting said signal to said internet interface which converts

said status signal to a readable format for said telecommunications service provider.

11.   Thompson teaches said server transmitting said signal to said internet interface which converts

said status signal to a readable format for said telecommunications service provider (Col. 4, lines 41-50;

Col. 10, lines 30-54).

12.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Thompson because they both dealing with monitoring status of

remote devices. Furthermore, the teaching of Thompson to allow server transmitting said signal to said

internet interface which converts said status signal to a readable format for said telecommunications

service provider would alleviate the burden of standardization of hardware for Babula's system by

automatically convert signal to the appropriate type.

13.   Babula does not explicitly teach modem status request.

14.   Thompson teaches modem status request (Col. 10, lines 30-54).

15.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Thompson because they both dealing with monitoring status of

remote devices. Furthermore, the teaching of Thompson to allow the checking of modem status would

improve the integrity and error checking capability for Babula's system by checking the status of modems

themselves.

16.   As per claim 2, Babula teaches the system of claim 1 wherein said internet interface is a web

server having an internet web site resident therein containing a list of telecommunications service

provider customers (pg 7, [0056], lines 15-41).

17.   As per claim 3, Babula teaches the system of claim 2 wherein said device status request is a

designation of a customer from said list of telecommunications service provider customers (pg 7, [0056],

lines 15-41; pg 8, [0060], lines 1-13).

18.   As per claim 4, Babula teaches the system of claim 3 wherein said device status request is a

telecommunications service provider customer telephone number (pg 8, [0060], lines 1-13).

19.   As per claim 5, Babula teaches the system of claim 4 wherein said subscriber information is

customer node and port records (pg 5, [0048], lines 9-11; pg 9, [0067], lines 15-32; pg 10, [0075]).

20.   As per claim 7, Babula teaches the system of claim 1 wherein said readable format for said

telecommunications service provider is a web site interface (pg 7, [0056], lines 15-41).

21.   As per claim 9, Babula teaches the system of claim 1 wherein said status signal is provided to

said telecommunications service provider in real-time (pg 11, [0084], line 19-23).

22.   As per claim 10, Babula teaches wherein said server is capable of receiving multiple status

requests (pg 14, claim 11).

23.   Claims 6, 8, 11, 12, 13-16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Babula et al. (hereinafter Babula), US 2002/0004798, in view of Thompson

et al. (hereinafter Thompson), US 6,529,743, in view of Yim et al. (hereinafter Yim), US

6,580,727.

24.   As per claim 6, Babula does not teach wherein central office includes a DSLAM and said central

office request is a SNMP request corresponding to the DSLAM.

25.   Yim teaches wherein central office includes a DSLAM and said central office request is a

SNMP request corresponding to the DSLAM (Col. 6, lines 6-14).

26.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Yim because they both dealing with monitoring remote devices in

a network system. Furthermore, the teaching of Yim to allow wherein central office includes a DSLAM

and said central office request is a SNMP request corresponding to the DSLAM would improve the

scalability and usability for Babula's system by extending the field of monitoring to include DSL modems on network LANs.

27.   As per claim 8, Babula does not teach wherein said status signal includes a status from a list of connected, not connected or connecting.

28.   Yim teaches wherein said status signal includes a status from a list of connected, not connected or connecting (Col. 11, lines 26-36).

29.   It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula and Yim because they both dealing with monitoring remote devices in a network system. Furthermore, the teaching of Yim to allow wherein said status signal includes a status from a list of connected, not connected or connecting would improve the monitoring capability for Babula's system by extending the field of monitoring to include DSL modems statuses on network LANs.

30.   As per claim 11, Babula teaches the invention substantially as claimed wherein a system for verifying device status for an internet service provider in a digital broadband network serviced by a central office, the system comprising:

a web server having an internet website interface for receiving a device status request from the internet service provider via the internet (pg 7, [0056], lines 15-41);

an integrator capable of retrieving subscriber location information (pg 6, [0051], lines 6-25; pg 4, [0038], lines 8-27);

a status server connected to said web server for receiving said modem status request (pg 14, claim 2) and transmitting said request to said integrator whereby said integrator interprets said device status request and retrieves corresponding subscriber location information and transmits said corresponding subscriber information to said status server(pg 6, [0051], lines 6-25; pg 4, [0038], lines 8-27), said status server thereby converts said corresponding

subscriber information to a central office (pg 5, [0044], lines 18-20).

31.   Babula does not explicitly teach said status server transmits said signal to said web server

converts said signal to a readable format on said internet website interface for viewing by said internet

service provider.

32.   Thompson teaches said server transmitting said signal to said internet interface which converts

said status signal to a readable format for said telecommunications service provider (Col. 4, lines 41-50;

Col. 10, lines 30-54).

33.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Thompson because they both dealing with monitoring status of

remote devices. Furthermore, the teaching of Thompson to allow server transmitting said signal to said

internet interface which converts said status signal to a readable format for said telecommunications

service provider would alleviate the burden of standardization of hardware for Babula's system by

automatically convert signal to the appropriate type.

34.   Babula and Thompson does not teach a central office DSLAM request and sends said central

office DSLAM request to said central office DSLAM, said central office DSLAM responds to said

request and transmits a status signal to said status server and said status server transmits said signal to

said status server.

35.   Yim teaches a central office DSLAM request and sends said central office DSLAM

request to said central office DSLAM (Col. 1, lines 54-65; Col. 6, lines 6-14; Col. 8, lines 10-57), said

central office DSLAM responds to said request and transmits a status signal to said status server and said

status server transmits said signal to said status server (Col. 8, lines 10-57; Col. 9, lines 11-20; Col. 11,

lines 49-57).

36.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula, Thompson and Yim because they all deals with monitoring remote

devices in a network system. Furthermore, the teaching of Yim to allow a central office DSLAM request

and sends said central office DSLAM request to said central office said central office DSLAM responds

to said request and transmits a status signal to said status server and said status server transmits said

signal to said status server would improve the monitoring capability for Babula and Thompson's systems

by extending the field of monitoring to include DSL modems statuses on network LANs.

37.   Babula does not teach modem status request. However, this issue was mentioned in regards to

claim 1 above.

38.   As per claim 12, Babula teaches the invention substantially as claimed wherein a method for

verifying device status for an telecommunications service provider in a communications network serviced

by a central office, the method comprising:

    connecting to an internet interface (pg 7, [0056], lines 15-41);

    transmitting a device status request to the internet interface (pg 2, [0031], lines 13-15,

[0032], lines 20-28; pg 7, [0056], lines 15-41);

    transferring said device status request from the internet interface to a server (pg 14,

claim 2);

    transmitting said device status request from said server to an integrator whereby said

integrator interprets said modem status request and retrieves corresponding subscriber

information (pg 6, [0051], lines 6-25; pg 4, [0038], lines 8-27);

    transmitting said corresponding subscriber information to said server (pg 6, [0051], lines

6-25);

converting said corresponding subscriber information to a central office request (pg 5,

[0044], lines 18-20);

sending said central office request to said central office (pg 6, [0051], lines 6-25);

transmitting said status signal from said server to said internet interface (pg 7, [0056],

lines 15-41).

39.   Babula does not teach converting said status signal to a readable format for said

telecommunications service provider.

40.   Thompson teaches said server transmitting said signal to said internet interface which converts

said status signal to a readable format for said telecommunications service provider (Col. 4, lines 41-50;

Col. 10, lines 30-54).

41.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Thompson because they both dealing with monitoring status of

remote devices. Furthermore, the teaching of Thompson to allow server transmitting said signal to said

internet interface which converts said status signal to a readable format for said telecommunications

service provider would alleviate the burden of standardization of hardware for Babula's system by

automatically convert signal to the appropriate type.

42.   Babula does not teach querying modem status of a customer and creating a status

signal; and transmitting said status signal to said server.

43.   Yim teaches querying modem status of a customer and creating a status signal;

and transmitting said status signal to said server (Col. 8, lines 10-57; Col. 9, lines 11-20; Col. 11,

lines 49-57).

44.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Yim because they both dealing with monitoring remote devices in

a network system. Furthermore, the teaching of Yim to allow querying modem status of a customer and

creating a status signal and transmitting said status signal to said server would improve the monitoring

capability for Babula's system by extending the field of monitoring to include DSL modems statuses on

network LANs.

45.   Babula does not teach modem status requests, this issues was addressed in regards to claim 1

above.

46.   As per claim 13, Babula teaches the method of claim 12 wherein connecting to said internet

interface further comprises connecting to a web server having an internet web site resident therein

containing a list of telecommunications service provider customers (pg 7, [0056], lines 15-41).

47.   As per claim 14, Babula teaches the method of claim 13 wherein transmitting said modem status

request further comprises designating of a customer from said list of telecommunications service provider

customers (pg 7, [0056], lines 15-41).

48.   As per claim 15, Babula does not teach the method of claim 12 wherein converting said

corresponding subscriber information to a central office request further comprises converting said

corresponding subscriber information to a SNMP request corresponding to a DSLAM located at the

central office.

49.   Yim teaches wherein converting said corresponding subscriber information to a central office

request further comprises converting said corresponding subscriber information to a SNMP request

corresponding to a DSLAM located at the central office (Col. 6, lines 6-14; Col. 8, lines 10-57).

50.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Babula and Yim because they both dealing with monitoring remote devices in

a network system. Furthermore, the teaching of Yim to allow wherein converting said corresponding

subscriber information to a central office request further comprises converting said corresponding

subscriber information to a SNMP request corresponding to a DSLAM located at the central office

improve the monitoring capability for Babula's system by extending the field of monitoring to include

DSL modems statuses on network LANs.

51.   As per claim 16, Babula teaches wherein converting said status signal to a readable format for

said telecommunications service provider further comprises converting the status signal to a web site

interface screen indicating a status in real time (pg 11, [0084], line 19-23).

52.   As per claim 17, claim 17 is rejected for the same reason as the rejection to claims 11 and 12

above.

53.   As per claim 18, claim 18 is rejected for the same reason as the rejection to claim 16 above.

Conclusion

54.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect "Method

and System for Verifying Modem Status".

i.	US 2003/0208758	Schein et al.
ii.	US 6,522,668	Singleton et al.
iii.	US 2003/0208614	Wilkes.
iv.	US 6,430,275	Voit et al.

v.   US 6,501,849   Gupta et al.

vi.   US 6,374,102   Brachman et al

vii.   US 6,292,481   Voit et al.

viii.   US 6,480,748   Gerszberg et al.

ix.   US 6,463,552   Jibbe.

x.   "Midrange Systems: SCSI modem (Central Data Corp's scsiModem Server)(Product
Announcement)(Brief Article):" 12 January, 1996.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be

reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Follansbee A John can be reached on 703-305-8498. The fax phone numbers for the organization where

this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-

7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

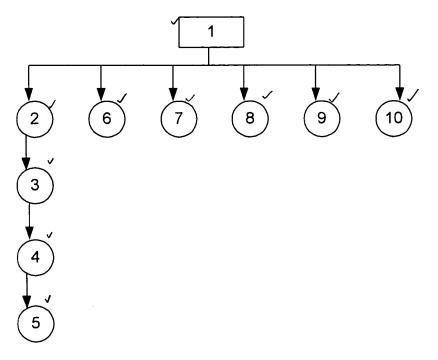be directed to the receptionist whose telephone number is 703-305-3900.

CZ
November 7, 2003

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Method and System for Verifying Modem Status
09-649864

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